

AB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERESFORD GARDNER	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	NO. 06-5418

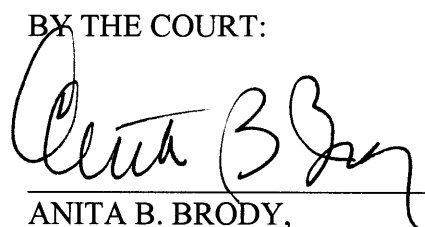
ORDER

AND NOW, this 30th day of April, 2007, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is GRANTED;
3. Petitioner's conviction and sentence pursuant to the Pennsylvania's Corrupt Organization Act, 18 Pa. Cons. Stat. § 911, et seq., is VACATED; and
4. The Commonwealth of Pennsylvania shall release petitioner from his present confinement unless the Commonwealth provides him with a new sentencing hearing, within ninety (90) days of the court's order, so that petitioner can be re-sentenced on all the remaining Bills of Information.

BY THE COURT:


ANITA B. BRODY, J.